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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,411	02/01/2001	Jared J. Jackson	ARC920000141US1	8007

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EXAMINER

GODDARD, BRIAN D

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/775,411	JACKSON ET AL.	
	Examiner	Art Unit	
	Brian Goddard	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendment filed 21 July 2004.
2. Claims 1-20 are pending in this application. Claims 1, 6, 8, 13, 15, 19 and 20 are independent claims. In the Amendment filed 21 July 2004, claim 8 was amended. This action is made Final.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0191737 to Steele et al. in view of U.S. Patent No. 6,351,467 to Dillon.

Referring to claim 1, Steele discloses the method as claimed. See Figures 9-13 and the corresponding portions of Steele's specification for this disclosure. Steele teaches a method comprising the steps of:

receiving data from a web site [See Paragraph 0139 & Steps 1204-1208] located across a network [See Figs. 2 & 9-10];

determining whether additional data [dynamic pages] from the web site is extractable [See Paragraph 0139];

in response to determining that additional data from the web site is extractable, creating at least one synthetic hyperlink [reconstructed URL] for extracting the data from the web site [See Paragraph 0148]; and

combining the at least one synthetic hyperlink with the data received from the website to create combined data [forward index URLs (See Paragraph 0148)].

Steele does not explicitly send the combined data to a crawler as claimed. However, Steele does state that while conventional crawler/spider indexing methods cannot crawl dynamic links, this is corrected by his invention. See Paragraph 0127 for the details of this disclosure. This provides suggestion for sending the reconstructed URLs for dynamic pages to a crawler in order for the crawler to crawl dynamic pages. Furthermore, although not explicitly stated, Steele's method operates in the manner of a crawler altogether, thus adding further suggestion for passing the reconstructed URLs as claimed.

Dillon discloses a system and method similar to that of Steele, wherein the URL(s) of dynamic pages loaded by a browser are passed to a crawler that is itself incapable of constructing the URL to crawl it. See Figure 4 and the corresponding portion of Dillon's specification for this disclosure. Dillon discloses the purpose for this practice as allowing the crawler to obtain the content from the dynamic page so as to crawl and index further should this content contain any other URLs.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Dillon's teaching of passing URLs for dynamic pages to a crawler to the system and method of Steele, such that Steele's server (206) passed the

combined URL data to a crawler to obtain the invention as claimed. One would have been motivated to do so because of the suggestions provided by both Steele and Dillon, as discussed above.

Referring to claim 2, the method of Steele in view of Dillon as applied to claim 1 above discloses the invention as claimed. See Figures 12-13 and the corresponding portions of Steele's specification for this disclosure. Steele v. Dillon teaches the method of claim 1, as above, wherein the step of creating at least one synthetic hyperlink [See above] comprises the step of augmenting a hyperlink request [See Paragraph 0148] with at least one parameter value [input tuple] appropriate for a form used by the web site [See Paragraphs 0126-0130 & 0148] to create at least one synthetic hyperlink [reconstructed URL] as claimed.

Referring to claim 3, the method of Steele in view of Dillon as applied to claim 1 above discloses the invention as claimed. See Figures 9-13 and the corresponding portions of Steele's specification for this disclosure. Steele v. Dillon teaches the method of claim 1, as above, wherein the step of creating at least one synthetic hyperlink comprises the step of augmenting a hyperlink request [See claim 2 above] with at least one parameter value determined by executing a script [See Paragraphs 0130 & 0139] contained in the data from the web site...[See claim 2 above] as claimed.

Referring to claim 4, the method of Steele in view of Dillon as applied to claim 1 above discloses the invention as claimed. See Figures 9-13 and the corresponding portions of Steele's specification for this disclosure. Steele v. Dillon teaches the method of claim 1, as above, wherein the step of creating at least one synthetic hyperlink

comprises the step of augmenting a hyperlink request [See claim 2 above] with at least one parameter value determined by a script filter analyzing a script [See Paragraphs 0130 & 0139, and Paragraphs 0190-0196] contained in the data from the web site...[See claim 2 above] as claimed.

Referring to claim 5, the method of Steele in view of Dillon as applied to claim 1 above discloses the invention as claimed. See Figures 9-13 and the corresponding portions of Steele's specification for this disclosure. Steele v. Dillon teaches the method of claim 1, as above, wherein the step of creating at least one synthetic hyperlink comprises the step of augmenting a hyperlink request [See claim 2 above]...the synthetic hyperlink indicating that it must be converted to a different method [See Paragraphs 0148, 0190-0196 & 0279] for extracting data from the web site as claimed.

Referring to claim 6, the method of Steele in view of Dillon as applied to claim 1 above discloses the invention as claimed. See the discussions regarding claims 1 & 5 above for the details of this disclosure. Steele v. Dillon teaches a method comprising the steps of:

receiving a synthetic hyperlink request [at the crawler (See claim 1 above)];

converting the synthetic hyperlink request to a method indicated by the synthetic hyperlink request...[See claim 5 above]; and

sending the converted hyperlink request to a web site [the crawler uses the reconstructed & converted URL to access the dynamic page for crawling (See the combination above, as well as the relevant cited portions of Steele & Dilley)] as claimed.

Referring to claim 7, the method of Steele in view of Dillon as applied to claim 6 above discloses the invention as claimed. See Paragraphs 0148 & 0279 of Steele's specification, in light of the combination above, for this disclosure. Steele v. Dillon teaches the method of claim 6, as above, wherein the converting step includes converting the synthetic hyperlink from a GET method to a POST method as appropriate.

Claims 8-12 are rejected on the same basis as claims 1-5 respectively. See the discussions regarding claims 1-5 above for the details of this disclosure.

Claims 13-14 are rejected on the same basis as claims 6-7 respectively. See the discussions regarding claims 6-7 above for the details of this disclosure.

Claims 15-18 are rejected on the same basis as claims 1-4 respectively. See the discussions regarding claims 1-4 above for the details of this disclosure.

Claims 19-20 are rejected on the same basis as claims 6-7 respectively. See the discussions regarding claims 6-7 above for the details of this disclosure.

Response to Arguments

4. Applicant's arguments filed 21 July 2004 have been fully considered but they are not persuasive.

Referring to applicants' remarks on page 8 regarding the Section 103 rejection of all claims: Applicants argued that the Steele reference is not available as a prior-art reference based on the Declaration under 37 C.F.R. 1.131 filed on 21 July 2004.

The examiner disagrees for the following reasons: The 37 C.F.R. 1.131 Declaration filed 21 July 2004 is ineffective to overcome the Steele reference for at least the following reasons: 1) The Declaration was not signed by all inventors of the subject matter claimed, or another qualified party, as per MPEP § 715.04. Specifically, co-inventor Jared J. Jackson has not signed. The statement that Mr. Jackson was "Unavailable for signature under MPEP § 715.04" is insufficient because no reason was given for the absence of his signature, no showing was made that inventor Jussi P. Myllymaki was the sole inventor of the subject matter of the claims under rejection, and no showing was made regarding the completion of the invention by all of the joint inventors of the subject matter of the claims under rejection. The absence of the above, particularly the lack of reasoning/explanation as to why Mr. Jackson was unavailable to declare, renders the content of the Declaration suspect. 2) The evidence submitted with the Declaration shows conception of the invention at most. It does not show that the claimed invention was reduced to practice in accordance with the standards of Section 112, first paragraph. As reduction to practice has not been shown, and due diligence from the time of conception is lacking, the Declaration does not meet the requirements of 37 C.F.R. 1.131. The examiner is unconvinced for at least the above two reasons, and the rejection is maintained.

Referring to applicants' remarks on pages 9-11 regarding the Section 103 rejection of all claims: Applicants argued that Steele, taken alone or in view of Dillon, does not teach or suggest the claim limitations of "receiving data **from a web site**

located across a network” and “determining whether additional data **from the web site** is extractable” (Emphasis added).

The examiner disagrees for the following reasons: First, applicants are arguing features which are not claimed. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the “determining” is done on a device which is located across a network “from the web site” (with regard to claims 1-7 and 15-20), and anything involving an HTTP connection/request) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Specifically, independent claims 1 and 15 require “receiving data [at Central Index 214 on Server 212] from a web site [220] located across [See Fig. 2] a network [204]” and “determining [by an SBA] whether additional data [e.g. dynamic pages] from the web site is extractable [See ¶ 0068 & all citations above].” Steele (as modified by Dillon) clearly discloses these limitations **as claimed**. The claims do not require that the “determining” be done at any specific location. Thus, the location of Steele's SBA (which performs the “determining” step) is irrelevant in the examination of these claims.

Second, with specific regard to claims 8-14 which now require the determining be done on “at least one computer processing device, located across the network from the web site” as per the amendment, Steele's SBA still meets this requirement, contrary to applicants' assertions. Applicants arguments that information “can only be obtained

with the Steele et al. invention while attached to a **database**, and **not from a website located across a network**" and that "the steps taken by the SBA requires direct, local database access and cannot be accomplished through an HTTP connection to a remote website located across a network" are simply unfounded in Steele's disclosure.

Applicants appear to have misinterpreted Steele's invention here by focusing only on one embodiment. In fact, Steele explicitly states (in ¶ 0075) that the SBA "can be part of the web server or **it can be separate**" (emphasis added). Thus, Steele's SBA (which performs the "determining" step) is "located across the network from the website" as claimed. Finally, contrary to applicants' assertions, Steele's SBA can and does meet the "intent and purpose of the present invention" of "creating at least one synthetic hyperlink for extracting the data from the web site [located across a network]" as clearly shown through Steele's disclosure of reconstructing URL's for dynamic pages in paragraph 0148. One of the major purposes/goals of Steele's invention is to index dynamically created pages as disclosed in paragraph 0068, which is clearly the same premise of the instant invention. Therefore, the combination of Steele and Dillon discloses each and every limitation of the invention **as claimed**, and the rejections are maintained.

Referring to applicants' remarks on page 11 regarding the Section 103 rejection of all claims: Applicants argued that there is no suggestion or motivation found in the references to combine them to properly establish a prima facie case of obviousness.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, suggestion and motivation to combine comes directly from the references themselves, as clearly shown in the grounds for rejection repeated above.

The remainder of applicants' remarks and arguments are addressed in substantially the same manner as above, as they merely repeat the above arguments for other remaining claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2161

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg
28 December 2004


WAYNE AMSBURY
PRIMARY PATENT EXAMINER